

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

WESTERN WORLD INS. CO.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CIVIL ACTION NO. 2:05cv327-D
	)	(WO)
RESURRECTION CATHOLIC	)	
CHURCH, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**ORDER**

Now pending before the court are defendant Nichols' motion to compel depositions (doc. # 24) and plaintiff Western World Insurance Company's motion for a protective order (doc. # 29). The court heard oral argument on the motions on October 31, 2005. At oral argument, defendant Nichol argued that he needed to be able to depose individuals to aid the court in construing and interpreting the insurance policy at issue. The plaintiff objected to allowing the defendant to take the depositions.

On November 3, 2005, the court held the motion to compel depositions (doc. # 24) and the motion for a protective order in abeyance pending further briefing by the parties. The court also directed the parties to file any additional briefs on the issue of whether the court should allow the parties to take testimony on the construction of an insurance policy which is purely a matter of law on or before November 14, 2005. To date, the parties have filed nothing in response to the court's order. In this instance, the burden is on the defendant to demonstrate that he is entitled to take the depositions he seeks. He has failed

to provide any support for his position. Consequently, his motion to compel is due to be denied and the plaintiff's motion for a protective order is due to be granted. Accordingly, it is

ORDERED that defendant Nichols' motion to compel depositions (doc. # 24) be and is hereby DENIED and plaintiff Western World Insurance Company's motion for a protective order (doc. # 29) be and is hereby GRANTED.

Done this 21<sup>st</sup> day of November, 2005.

/s/Charles S. Coody  
CHARLES S. COODY  
CHIEF UNITED STATES MAGISTRATE JUDGE